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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,086	01/14/2004	Robert Bell	CIS03-62(8756)	3445

7590 07/14/2004

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EXAMINER

PATEL, NITIN C

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/757,086	Applicant(s) BELL, ROBERT	
	Examiner Nitin C. Patel	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
4a) Of the above claim(s) 1-12 and 19-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13 - 17 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This is in responsive to the divisional application filed on January 14, 2004.
2. Claims 1 – 12, and 19 – 23 have been canceled.
3. Claims 13 – 18 are presented for examination.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 13 – 18 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by McCormack et al. [hereinafter as McCormack], US Patent 6,535,983 B1.
6. As to claim 13, McCormack discloses a remotely powerable device [12" system powered device] comprising:
 - a. normal operating circuitry [12" phone] that couples to a connecting medium [10, HUB/Switch] of a computer network [fig. 2]; and
 - b. a powerability indicator [Zener diode resistor arrangement], coupled to the normal operating circuitry, that (i) receives a test [stimulus] signal from the connecting medium [10] of the computer network [stimulus device sends a stimulus signal over network connection lines during a detection phase][col. 3, lines 56 – 63], and (ii) provides a response [response to stimulus] signal to the connecting medium [10] of the computer

network to enable discovery of the remotely powerable [system powered] device based on the response signal [col. 3, lines 64 – 67, col. 4, lines 1 – 7, fig. 2, and 8].

7. As to claim 14, McCormack teaches that the normal operating circuitry [12"] is configured to receive an operating voltage having a first voltage magnitude; and wherein the powerability indicator [Zener diode resistor arrangement] is configured to provide the response signal in response to receipt of a test voltage [col. 5, lines 17 – 24], as the test signal, the test voltage having a second voltage magnitude that is substantially less than the first voltage magnitude [col. 4, lines 35 – 46, col. 5, lines 18 – 59, col. 7, lines 65 – 67, col. 9, lines 30 - 37].

8. As to claim 15, McCormack discloses the powerability indicator [Zener diode resistor] is configured to provide the response [current flow] signal; in response to (i) a first voltage [positive] during a first time period, and (ii) a second voltage [negative] that is substantially different than the first voltage during a second time period [in detection phase two test signals are applied with two different voltage levels are inherently substantially different and at different time periods][col. 4, lines 35 – 46, col. 5, lines 18 – 59, col. 8, lines 7 – 37, col. 9, lines 30 - 37].

9. As to claim 16, McCormack discloses the powerability indicator [Zener diode resistor] is configured to provide the response [current flow] signal; in response to (i) one of the positive and negative voltage from the connecting medium as the first voltage and (ii) the other of the positive and negative test voltage from the connecting medium as the second voltage [col. 4, lines 35 – 46, col. 5, lines 18 – 59, col. 8, lines 7 – 37, col. 9, lines 30 - 37].

10. As to claim 17, McCormack discloses the remotely powerable [system powered] device with the normal operating circuitry includes a first transformer [28] and a second transformer [30]; wherein the connecting medium [10] includes (i) a first connecting link [TX+, TX-] having

Art Unit: 2116

a local end that terminates at the first transformer [40] and a remote end, and (ii) a second connecting link [RX+, RX-] having a local end that terminates at the second transformer [46] and a remote end; wherein each transformer includes a centertap; and wherein the powerability indicator [Zener diode resistor] receives the test signal through the centertap [32] of the first transformer [28] and the centertap [34] of the second transformer [30][col. 7, lines 8 – 38, fig. 2].

Allowable Subject Matter

11. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 703-305-3994. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Brown can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/757,086
Art Unit: 2116

Page 5

Nitin C. Patel
July 6, 2004

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

REHANA PERVEEN
PRIMARY EXAMINER